

**IN THE COURT OF APPEALS OF IOWA**

No. 1-430 / 10-1743  
Filed June 29, 2011

**STATE OF IOWA,**  
Plaintiff-Appellee,

**vs.**

**JOSE LUIS LAINEZ-VASQUEZ,**  
Defendant-Appellant.

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Appeal from the Iowa District Court for Black Hawk County, Todd A. Geer,  
Judge.

A defendant contends his trial attorney was ineffective in failing to ensure that his plea was supported by a factual basis and in allowing the trial court to accept his guilty plea in the claimed absence of a factual basis. **AFFIRMED.**

Rachel C.B. Antonuccio of Cole & Vondra, L.L.P., Iowa City, for appellant.

Thomas J. Miller, Attorney General, Thomas S. Tauber, Assistant Attorney General, Thomas J. Ferguson, County Attorney, and Brook Jacobsen, Assistant County Attorney, for appellee.

Considered by Vogel, P.J., Vaitheswaran, J., and Huitink, S.J.\*

\*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

**VAITHESWARAN, J.**

After making a traffic stop, officers with the Black Hawk County Sheriff's Office searched a vehicle driven by Jose Luis Lainez-Vasquez. They found a social security card with someone else's name and without the correct markings behind the name and number. The card was described as a "poor in quality template production." Lainez-Vasquez told the officers he received the card to gain work in the United States.

Lainez-Vasquez pled guilty to forgery. Iowa Code § 715A.2(1)(d), (2)(a)(4) (2009). During the plea colloquy, the court asked him, "[A]re you admitting that . . . you possessed forged documents for employment or entry into the United States?" Lainez-Vasquez replied, "Yes." He waived his right to file a motion in arrest of judgment challenging his plea and was sentenced for the crime.

On appeal, Lainez-Vasquez contends his trial attorney was ineffective in failing to ensure that his plea was supported by a factual basis and in allowing the trial court to accept his guilty plea in the claimed absence of a factual basis. "Therefore, our first and only inquiry is whether the record shows a factual basis." *State v. Schminkey*, 597 N.W.2d 785, 788 (Iowa 1999); *see also State v. Hallock*, 765 N.W.2d 598, 603 (Iowa Ct. App. 2009) (stating that if a defense attorney allows a defendant to plead guilty without a factual basis to support the plea, counsel has failed to perform an essential duty and prejudice is presumed).

Section 715A.2(1)(d) provides:

A person is guilty of forgery if, with intent to defraud or injure anyone, or with knowledge that the person is facilitating a fraud or

injury to be perpetrated by anyone, the person does any of the following:

...  
d. Possesses a writing which the person knows to be forged in a manner specified in paragraph "a" or "b".

Forgery becomes a class D felony if the forged document purports to be "[a] document prescribed by statute, rule, or regulation for entry into or as evidence of authorized stay or employment in the United States." Iowa Code § 715A.2(2)(a)(4).

Lainez-Vasquez concedes the record "was sufficient to establish that the documents at issue were forgeries," but he contends there is nothing in the record to establish his knowledge that the documents were forged. Lainez-Vasquez ignores his own admission during the plea colloquy that he possessed a forged document, as well as his admission to officers that he received the document to obtain work in this country. These admissions were sufficient to establish a factual basis, and his ineffective-assistance-of-counsel claim necessarily fails.

We affirm Lainez-Vasquez's judgment and sentence for forgery.

**AFFIRMED.**